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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,963	02/13/2002	Mark Day	50325-0635	9236
29989	7590	04/07/2006	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			NGUYEN, VAN KIM T	
2055 GATEWAY PLACE			ART UNIT	PAPER NUMBER
SUITE 550			2151	
SAN JOSE, CA 95110			DATE MAILED: 04/07/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,963	DAY, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Van Kim T. Nguyen	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This Office Action is responsive to communications filed on February 23, 2006.

New claims 18-26 have been added. Claims 1-26 are now pending in the case.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al (US 6,904,600), hereinafter James; in view of W3C “Simple Object Access Protocol (SOAP) 1.1”, hereinafter W3C; further in view of Abjanic (US 6,732,175); and further in view of Preisig et al (US 6,882,996), hereinafter Preisig.

Regarding claims 1, 7, and 13-16, as shown in Figure 1-2, James discloses a method comprising:

receiving (step 202), at an application switching component (36) from a requesting process (20), a request for a service among the similar services;

sending the request (steps 204-212) to a first server (200); receiving (steps 214-216), at the application switching component in response to sending the request to the first server, error data that indicates the particular service extension is not available at the first server (col. 4: lines 12-62).

However, James does not explicitly call for the request including data indicating a particular service extension is mandatory.

W3C's teaches that the SOAP message global attribute can be used to indicate whether a header entry is mandatory or optional for the recipient to process (Sect. 4.2.3 SOAP mustUnderstand Attribute).

Since W3C teaches SOAP, an industry accepted standard protocol, and James discloses a method and system conforming to SOAP, it would have been obvious to one of ordinary skill in the art at the time the invention was made, the request in James' system can be used to indicate whether a particular service extension is mandatory.

The combination of W3C and James disclose substantially all claimed limitations, except the application switching component is a process that switches among the plurality of servers.

As shown in Figures 1-6, Abjanic discloses an application switching component 165 which is a process that switches among the plurality of servers (140, 150, 160, 170).

James, W3C and Abjanic teach analogous arts, relating to XML based protocol, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Abjanic's switching process in the combination of James and W3C, motivated by the need of providing a more effective and flexible Web-based traffic for customers.

The combination of Abjanic, W3C and James teaches substantially all claimed limitations, except error data is not sent to the requesting process.

As shown in Figure 2, Preisig teaches a plurality of applications (HTTP GET or HTTP POST; XML or URL encoded, DADX or DTD resource file, and the associated action); and in response to the decision (36, 38, 40, 60, 64, 68), sending the request from the application switching component to a second application of the plurality of applications, wherein the second application is different from the first application (col. 4: line 4 – col. 5: line 19); and

if it is determined that at least one of the plurality of applications has the particular service extension (XML – SOAP), then not sending, to the requesting process, error data indicating the particular service extension is not available (block 42; col. 4: lines 4-45).

James, W3C, Abjanic and Preisig disclose analogous arts, relating to methods and systems conforming to XML based protocol such as SOAP, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Preisig's method of switching between a plurality of applications in the combinations of James, W3C and Abjanic, motivated by the need of providing a more effective and flexible Web-based traffic for customers whose computers resided behind corporate or ISP firewall.

Regarding claims 2-3, 8-9, 18, and 22-23 as shown in Figure 2 (Preisig), the combination of James, W3C, Abjanic and Preisig also discloses:

determining at the application switching component whether none of the plurality of servers has the particular service extension (decision diamond 40); and

if it is determined that none has the particular service extension (XML – not SOAP), then sending, to the requesting process, error data indicating the particular service extension is not available (block 56); and

if it is determined that at least one of the plurality of applications has the particular service extension (XML – SOAP), then not sending, to the requesting process, error data indicating the particular service extension is not available (block 42), (Preisig: col. 4: lines 4-45).

Regarding claims 4, 10, 19 and 24, the combination of James, W3C, Abjanic and Preisig also discloses:

the step of receiving the request for services is performed by receiving a request formatted according to the SOAP (James: abstract; W3C: whole document; and Preisig: col. 2: lines 6-13); and

the data indicating the particular service extension is mandatory is included in a mustUnderstand attribute associated with the particular service extension (James: col. 6: lines 13-17; and W3C: Sect. 4.2.3 SOAP mustUnderstand Attribute).

Regarding claims 5, 11, 20 and 25, as shown in Figure 2, though the combination of James, W3C, Abjanic and Preisig also disclose when a request service not available (block 40), sending to the requesting process advertising data indicating that another service (DAD ) that appears to be assembled out of the similar services is available at a network address of the application-switching component (blocks 42-48), (Preisig: col. 4: lines 4-61).

Regarding claims 6, 12, 22 and 26, the combination of James, W3C, Abjanic and Preisig also discloses:

determining at the application switching component whether a timeout period has occurred; and if the timeout period has occurred, then sending, to the requesting process, error data indicating that the particular service extension is not available (James: col. 4: lines 42-62; and col. 6: lines 57-63).

Regarding claim 17, the combination of James, W3C, Abjanic and Preisig also discloses sending a mustUnderstand error message to the requesting client only when no second server is capable of selection (James: col. 6: lines 13-17; Preisig: col. 6: lines 4-61).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Van Kim T. Nguyen  
Examiner  
Art Unit 2151

vkn

